

Articles 【研究論著】

Mencius pro Humanitate Concreta:
MengZi and Schweitzer on Practical Ethics of
Humanity
孟子與史懷哲論實用人倫

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Abstract

Ancient Chinese philosophy already developed a philosophy of humanitarianism or humanity in the general sense. The concept of "Ren" / "Jen" was indeed a main idea already in Confucianism. It was to my mind Mencius, who was the most explicit, if not even the first, philosopher of what I call concrete humanity. The article takes up Albert Schweitzer's discussion of MengZi's philosophical humanitarianism and relates it to some modern ideas of Schweitzer's philosophy of reverence for life and humanity. In addition, some traits of what concrete humanity means are listed and discussed, including the special idea of a moral or ethical claim towards human dignity. Thus, it seems, that the ancient philosophers of china have already developed a moral theory of human rights—a fact which had been forgotten for a long time.

摘要

中國古代哲學很早就發展為一種普遍意義上的人道主義哲學，或稱之為人道哲學。仁的概念是儒學的中心主旨。我認為孟子即使不是第一個也是最清楚地表達出我所謂仁概念的哲學家。本文所探討的是史懷哲對孟子人道主義哲學的討論，及史懷哲崇敬生活與人道哲學的一些現代觀念。此外，對於一些人道實行的具體方法之特點也將在文中討論到，包括了道德或倫理對於人性尊嚴要求的特殊意義。由此觀之，中國古代的哲學家已經發展出一種人權的道德理論，這是長期被遺忘的一項事實。

The general idea of being humane as towards other humans, the ideal of an encompassing humanity was developed in ancient Chinese philosophy much earlier than in the middle stoic tradition (Panaitios) in the West. “*ren*” / “*jen*” (“humanity” or “humanitarianism” as some modern interpreters would have it) was indeed the main idea already in Confucianism (KongZi: Lun Yu XII, 22). However, KongZi (Confucius) himself did particularly favour and stress the component of righteousness, rightness or justice in applying this ideal of humanity relying basically on the well known *Golden Rule* (e.g. *Lun Yu* V, 12; XII, 2; XV, 24)—notably on the negative formulation of that rather formal principle of a reciprocity of quite utilitarian provenance¹. Whereas MoZi (Micius) had universalised the reciprocal idea of treating other compatriots in a human way to all humans whatsoever, including barbarians (non-Chinese people) and all humankind, all these are addressees of the totally universalised and generalised “*jian ai*” (universal love). It was certainly MengZi, who would somehow argue for the virtue, dignity (VIA, 17) and value of humanity and human general love on a more down-to-earth level on the one hand dispensing with the over-emphasis on the overall abstract ideas of “*yi*” and “*li*” (righteousness, or rightness, and hierarchy, or decency, respectively, to be primarily found in KongZi), and also going beyond the utilitarian foundation or justification to be found in KongZi and MoZi. As, e.g., Albert Schweitzer (2002, 127) emphasized: Human love in MengZi “springs purely from the necessitating given in compassion. It belongs to being human” (“*Mensch-Sein*”). Thus, on the one hand, MengZi although certainly relying on KongZi’s vision as regards “the holy kings” or sages of antiquity and their high ethics reflected in KongZi’s work, would mitigate or moderate the respective rigor (ism) and emphasis on rightness/righteousness without denying this component as a partial idea of the ideal of humanity. Indeed, as MengZi repeatedly stresses (e.g. “IA, 1: “All that matters is that there should be benevolence and rightness”, i.e. “humanity” (or “benevolence”) and “righteousness” (Legge) as the “only

¹ Interestingly enough, KongZi did have and indirectly stress the positive version of the *Golden Rule* also (e.g. *Lun Yu* VI, 30; XII, 2) . He even went beyond the formal reciprocity. See also Unger 1995, Swidler 1999.

topics” and “themes”: VIA, 11: “Benevolence is the heart of man and rightness his road”. In fact, “the feeling of commiseration implies the principle of benevolence” (IIA, 6; VIA, 6, Legge). The “benevolence” or “humanity”, i.e. the idea of being humane to others, compassionate to any humans whatsoever, not only to compatriots is certainly a less rigorous and formal idea, than a rather abstract universal content of the Golden Rule (under *yi* only).² MengZi would (in IIA, 6) epitomize his own doctrine in a rather classically Chinese style:

“...whoever is devoid of the heart of compassion is not human, whoever is devoid of the heart of shame is not human, whoever is devoid of the heart of courtesy and modesty is not human, and whoever is devoid of the heart of right and wrong is not human. *The heart of compassion is the germ of benevolence; the heart of shame, of dutifulness; the heart of courtesy and modesty, of observance of the rites; the heart of right and wrong, of wisdom.* Man has these four germs just as he has four limbs. For a man possessing these four germs to deny his own potentialities is for him to cripple himself.”
(My italics)

Albert Schweitzer (2002, 127) thought “that Meng-tse, without accounting for it, goes in his ethics beyond Kung-tse, which is documented not only in that he talks much more and warmer of humankind (humanity) than the latter, but also in that he would ground it (humanity) deeper. In Kung-tse, it has still a twofold root: It is derived from the utilitarian principle of *reciprocity* and at the same time also looked upon as something directly given in the essence of men. In Meng-tse, the utilitarian

² But even “*yi*” (often just translated by “justice” or “the fulfilling of duties”) would cover much more than the Western concept of, say, compensatory justice. At least, it comprises distribution (distributive justice after Aristotle) and mutually useful or even “caring” behaviour in concrete “life situations”, indeed “humane behaviour” (Moritz 1990, 79). *Yi* is rather the “*practice* of co-humanity (*Mitmenschlichkeit*) (*ren*)”, however somewhat more down to earth and pragmatically oriented than the all-encompassing “universal love” (*jian ai*) in MoZi. Whereas KongZi stressed *li* to be connected with *ren/jen*, MengZi would, by contrast, “emphasize within the relationship of *ren-yi-li* the two norms mentioned first in comparison to the latter one” (Moritz, *ibid.* 137).

foundation (which is in the foreground in Me-tse (= MoZi, H. L.)) is cancelled. Human love springs...purely from the necessitating given in empathy/compassion. It belongs to the true being human.” MengZi explicitly even differentiates between “good” and “profitable” or “useful” (VIIA, 25, VIB, 4) ; and the latter one or two are—as *yi* in general—secondary to benevolence/humanity (IA,1; VIA, 18; VIA, 4: “Benevolence is internal and not external; righteousness is external and not internal” (after Legge), but according to KongZi (after MengZi VIA, 5) it would be true if “we *therein* (i. e. in exercising righteousness, H. L.), act out of our feeling of respect,...it is said to be internal”, too. It seems to be a rather deontological argument against any utilitarian foundation rendering according to Schweitzer (2002, 128) MengZi as “a predecessor” of Kant’s universal *a priori* foundation of ethics on the inner motivation of the good will. It is operative for the ethical human “to give full realisation to his heart” which “is for him to understand his own nature” and a man who knows his own nature, will know Heaven” (VIIA, 1). “Mencius said, ‘Form the feelings proper to it (i. e. nature, H. L.), it is constituted for the practice of what is good. This is what I mean in saying that *the nature* is good” (including the human nature) (VIA, 6, Legge).

Thus, human (caring and empathetic/sympathetic) love in MengZi is something flowing in direct manner from compassion and co-sensitivity as well as addressing all humans as Schweitzer emphasizes. “The feeling of commiseration *implies the principle* of benevolence” (VIA, 6 Legge). Thus, sympathy, empathy and compassion or commiseration is the basis of an ethics of human love, anchored in the nature of the human being itself³. Benevolence and righteousness both would naturally belong to men (MengZi IIA: 6). Although MengZi in a way takes up again the universal and general idea of human love as particularly emphasized in MoZi, he definitely criticises the abstractness and generality of MoZi’s encompassing ideal of human love. MengZi tries to get more down to earth—regarding what Schweitzer

³ This is true even for human *dignity*: “All men have in themselves that which is *truly* honourable” (VIA, 17).

(2001, 52) calls “the logic of the circumstances”—in order to develop some specific strategies and exhortation regarding the treatment even of unloved humans which are not relatives or friends (VIIB, 1). However, as Schweitzer (2002, 129) emphasizes, the “idea of ‘love thy *enemy*’⁴ is still out of his scope” although MengZi forbids a hostile or inimical mentality. (IVB: 28)

In general, everybody has to check his basic benevolence, goodness and humanity, even wisdom (IVA, 4). This is the concreteness and practicality which characterises MengZi’s approach in comparison to MoZi’s overall general humanitarianism of universal love. Thus, Schweitzer (2002, 130) thinks that these optimistic and activist affirmative ethics would go not only beyond KongZi’s social formalism and the scope of his ethics in terms of compatriots and reciprocity (by including non-compatriots, even barbarians), but also beyond MoZi’s universalism and all encompassing “*jian ai*”.

MengZi is the first one to really bring the idea of humanity down to earth into a form of a concrete idea of being humane in practice, i.e., he/it is the first humanist author/book to develop what can be called a *practical* humanity or *concrete* humanity, which in the Western tradition is somehow attributed to the middle stoic thinker of Panaitios or the followers like his disciple, Poseidonios, the student of which again is Cicero inventing and favouring the “*homo humanus*” idea. Generally, in the West, the idea of “humanity” (being human or/and humane in the treatment of other people) is seen as developed by these ancient stoic philosophers. Yet, the Chinese forerunners had the same encompassing idea together with the accents of practicality and concreteness already roughly 200 years earlier. It was particularly MengZi, who fought against abstractness on the one hand and formalism of ethics on the other, by, indeed, arguing for *concrete embeddings in situations and social settings* and nevertheless not sticking to utilitarianism or just egotistic interests.

⁴ Swidler (2003, 19) would even include the love towards “one’s enemies” in the treatment of the “unloved” ones.

MengZi even extends compassion and ethical treatment beyond the realm of humans to include also benevolence or compassion/commiseration with animals, thus deviating from KongZi's solely anthropocentric ethics. MengZi even tries to differentiate between the "ai" as pertinent to animals, which are not loved in the human sense, from "jen"/"ren" towards other human beings (even non-relatives) whereas the affection of human love in the full sense is reserved to the relatives (VIIA: 45).

However, according to Schweitzer, this differentiation cannot be carried through fully: "All kinds of love would spring from the same source and flow together in the same riverbed. They cannot be separated. According to this essence, love is the same, towards whom it may be directed" (Schweitzer 2002, 133).

Thus, Schweitzer's assessment of MengZi's contribution to humanitarian ethics is the following one:

"The ideal of the noble man, in which Kung-tse's ethics climaxes is changed in Meng-tse in that one of man who has reached perfect humanity. 200 years before the ideal of humanity gains form for the first time in the history of European thought in the stoic Panaitios (ca. 180-100 B.C.), it is found in Meng-tse more vivid and deeper than in him (Panaitios, H. L.)" (2002, 133). Schweitzer goes on to state, that only in MengZi, the ethical affirmation of life and world is that vivid and deep that the idea of a civilized state ("*Kulturstaat*") takes on an ethical character. "The objective of Meng-tse's civilized state is an ethical humankind". This ideal of a civilized state is certainly not MengZi's creation. "Already long time before, it is developing in Chinese thought, determined by ethical affirmation of life and world. Meng-tse however renders the building complete" (ibid. 134).

According to Albert Schweitzer, therefore, MengZi's ethics was the climax of Chinese ethical thinking in antiquity, combining the encompassing scope of ethics to

all humans (even barbarians) and animals, rejecting utilitarianism and just an empirical *a posteriori* based ethics—and at the same time still to derive ethics from the deep feeling and compassion or commiseration for the other living beings (all other living beings) in your own vicinity and scope of responsibility, never despising concreteness or practicality. MengZi, according to Schweitzer, did however not support a pre-Christian idea of “loving” even thy enemies, though also unbeloved ones are to be treated like beloved humans (VIIB, 1). Against MoZi, who would rely only on a general plea and sacrament of love, MengZi also takes into account the idea of righteousness, rightness (*yi*) and even duties to formalize the relationships, although the “inner principle of action” still would be human love. Schweitzer thinks (2001, 52), that MengZi as “hardly any other one else was gifted to have delved into the question of ethics in everyday life and still remain always deep in this. For his depths it transpires as a sort of witnessing that he, being a practical moralist, sees utilitarianism as the great danger for ethics. With the same seriousness as Kant, he defends the direct, absolute necessity of the ethical and protests against reducing it to the useful/profitable, if in the best intention”.

In short: Without denying the universally encompassing scope of the ethical as regards any human being and even any living being whatsoever, MengZi argues rather down to earth in a concrete and practice-oriented manner, not denying formal obligations, righteousness and justice as well as organisational necessities in rendering ethical intentions in a practical way.

He even goes farther as Schweitzer himself who in his *Civilization and Ethics* as of 1923 despises “the ethics of society” in contradistinction to the individualist “personal ethics” being in the first place “the true ethics”.

In a word, MengZi as philosophical author or the book *Mencius* is the first great thinker to really combine the universal scope of the ethical and the idea of humanity (an ethics of being humane) with the requirement of being concrete and practical in one’s thought, norms and real actions. Thus, this author (or book) is *the dis-*

coverer and father of concrete humanity, of the ethics of practical humanity, as Schweitzer himself had later on particularly emphasized this combination (see my 2000). Not only Schweitzer, but already MengZi as his well appreciated forerunner highlights the ideas and ideals of *concrete* humanity, of thinking and acting humanely in a manner being at the same time rather general, if not universal, in scope and practice-oriented or down-to-earth in the conditions and situations of real life⁵.

What now is the idea of *concrete humanity* in short (see my 1998 and, as regards Schweitzer, my 2000).

Schweitzer's ethics indeed is similarly like MengZi's approach, a universal encompassing ethics in scope, and a priori rationalistic foundation of the ethical independently of utilitarian sources and at the same time an ethics of concreteness and responsibility in practical life. The idea of humanity would lead us within "the jungle of life" like a compass: Schweitzer only adds the general label of "reverence for life" (*Ehrfurcht vor dem Leben*). Otherwise, he is the ethicist of concrete humanitarianism. Let's now deal with that: What's the ethics of concrete humanity today and in the future?

In the Western tradition, it was Socrates who as the first philosopher emphasized the specific value of the individual person and thus the idea and virtue of the human being in philosophical and practical life, whereas the middle stoics like Panaitios and also Cicero developed the idea of the "*homo humanus*" comprising in an emphatic sense our idea of a humanity cultivated by education and a refined moral and intellectual development, morality, noblesse and dignity, elegance, taste, solidarity, cosmopolitanism, kindness, goodness, hospitality, magnanimity etc., humaneness (according to Vauvenargues the *highest* virtue) is considered as a special ethical or moral virtue and basic idea by Johann Gottfried Herder who developed an

⁵ Schweitzer would only add, that MengZi had not stressed the "love even thy enemies" as Jesus would have done. Also, MengZi required the loving treatment of the un (be) loved ones. In a sense, Jesus with his all-encompassing ideal of caring love for everybody seems to be much closer to MoZi and his all-encompassing idea of "*jian ai*" than to MengZi.

ethical theory of humaneness or humanity ("Humanität") including also practical humanity, i.e. situation-oriented, and thus practically realized humanity in everyday life transcending abstract general rules in the sense of a concrete sympathetic solidarity by practice-oriented ethical reasons⁶. Whereas the traditional ancient idea of *homo humanus* was rather static and educational, Herder conceived of this idea as an *anthropological* and *ethical* fundamental concept. He might also be seen as an intellectual opponent of Kant's moral rigorism relying too much on *lawlikeness* in ethics and morality. The idea of practical humaneness and co-humaneness in the extant situations and practical contexts may even be expressed by an apparently paradoxical formula: "Don't rely always and strictly merely on abstract moral rules and commands, but exercise a more humane individual- and situation-oriented way of life." Not the strict enforcement of rules and commands *per se* like any "*Fiat iustitia, pereat mundus*" should be the guiding idea in morality - there should not be a general rule like "*Fiat moralitas, pereat mundus*" either, but the respective consideration of humane perspectives and moral values as well as bounty beyond pure and strict legal or moral norms, in a sense which Christian ethics called the "works of supererogation" (*capacity and readiness for supererogatory deeds and words, to do the not demanded good*). That is, super-regulatory and supererogatory aspects of

⁶ Indeed, already 1793-5 Herder (1953) emphasized the peacefulness, sociability or community-orientation (conviviality, being companionable), the participatory and empathetic aspect as well as sympathy, human dignity and human love and charity ("love for humanity"), justice and human duties (on a par and combined with human rights), the supererogatory idea of going beyond formal duties and obligations. He also explicitly mentioned tolerance as the respect and acknowledgement of other opinions, attitudes and valuations of other people (s) and individual persons. Tolerance would not be separable from humaneness, in particular practical humanity in the mentioned sense and vice versa. Tolerance is so-to-speak a basic value of a character, of an attitude, and of a way of liberal and pluralistic thinking and valuation. This value of tolerance as an attitudinal value closely combined with the respect of individuals and other persons in practical situations and in general, would be one modern cardinal virtue according to Herder which should be instilled by education. Next to co-humaneness and the ideas of human solidarity and charity it is tolerance (as the respectfulness for other individuals' opinions, beliefs, "*Lebensanschauungen*", i.e. views of life, and the respective other's civilization including her/his religion) that characterizes an important trait of philanthropy, including a way of practising co-humaneness in the form of mutuality of respect, sympathy, empathy, co-emotionality etc. Consequently, Herder launched a quest and plea for the "*unity of a true and potent immaculate moral character*" ("*die Einheit eines wahren wirksamen reinen moralischen Charakters*").

humaneness are particularly relevant in the field of practical humanity, admitting of exceptions and special considerations according to the general leading idea of a co-humaneness or participatory and mutual respectful humanity. It is the idea of a theory of practical humaneness ("*konkrete Humanität*", see my 1998) which dates back to Herder's idea of a practical humanity under the rather telling slogan I have coined for that: "*In dubio pro humanitate concreta sive practica*". An outstanding or even the most prominent modern proponent of this principle was indeed Albert Schweitzer⁷ (1960, 352, see also 348 f.) who considered ethically valid "only that which is compatible with humanity" and a truly human practical responsibility in concrete everyday situations: Schweitzer⁸ also said that humaneness or practical humanity would consist in the believing that never a human being should be sacrificed on the altar of an aim or objective whatsoever (ibid. 313)⁹. "Abstraction is the demise of ethics: for ethics is a living relationship with real life" (ibid. 325)¹⁰. We can safely expand this to mean also, "Abstraction is the demise of practical humanity", of an ethical humanism *in concreto*.

Schweitzer's humanism was certainly not just an abstract idea, but practical humanity *in concreto*, a sort of practical or so to speak "concrete humanity" or "concrete humaneness" (if that term may be allowed) (see my 1998). In his ethical practice, he was not embarrassed or misled by theoretical ambiguities, vicissitudes or difficulties. He would follow in his ethical practice steadfastly, determinately and unperturbedly his own way, really being a kind of "moral genius" of humanistic and

⁷ Schweitzer, surprisingly enough, did not base his ethical humanitarianism on Herder's but rather on Goethe's humanist classicism beside—to be sure—on the Christian doctrine of caring love.

⁸ As mentioned, like Mencius, Schweitzer even expanded the idea of a practical humanity to a "humane" treatment of animals (1960, 349; 1961; 1994).

⁹ The idea and theory of practical humaneness and co-humaneness implies some approach like Fletcher's "situation ethics" (1966). It cannot however be restricted to just situation-orienting of action, but is generally regulated by a *universal* principle of taking into consideration co-humaneness, solidarity, a typically humane morality, whereas situation ethics only brings to the fore the particular aspects and the situation-orientation within special circumstances.

¹⁰ However, both of these statements are abstract ones; they are not really operative or operational by themselves to render situation-fitting concreteness and practicality. We need values, virtues, and viable norms to render and engender "concrete" humanitarianism.

humanitarian *praxis*. Here, he was unwavering, though he could not succeed in the comprehensive rationalistic foundation of ethical theory in general (see my 1990 and 2000). In matters of ethical practice, he remains to be if not only a vivid paragon example of ethical mentality and impressive many-sidedness, but also an important critic of traditional ethicists and a theoretician of ethics, though here certainly not of such an high originality as in his practical ethics and regarding his idea of concrete humanity. He was one of the most outstanding practitioners and also theoreticians of what we may call “*Concrete Humanitarianism*” or “*concrete humanity*” (in the sense of being and acting always humane (ly) as towards any humans and even with respect to other living beings, too). We might as mentioned coin a slogan summarizing his humanistic conception by saying “*In dubio pro humanitate concreta!*” (In doubtful cases of decisions and actions as well as conscience, always regard at first practical and concrete humanity—even against abstract principles of humanism and at times the traditional or even law-abiding sense!) Indeed, ethics is not just, or in the first place, a matter of ethical laws or rigorous universal prescriptions, absolute norms, or casuistic typologies. Rather, ethics is mainly a matter of practical decisions pertaining to and transpiring within life *in concreto*, regarding decisions of our conscience under the overall idea of a humane behaviour with respect to any other humans as well as all other living beings coming into the scope and realm of my or our reach of responsibility and actions—maybe on a face-to-face basis or on other “secondary” interactions, at times even including rather unnoticeable or remote (today including some intercontinental) dependencies.

Schweitzer was a moral genius of humanitarianism *in concreto*—in his practice as well as in his thinking.

To draw a bit more generally on the idea of “concrete humanity” we may state that all the attitudes, virtues and moral values of the concrete humanitarian approach as set up by MengZi, Panaitios, Herder, and Schweitzer heavily draw also on the supererogatory character or really ethical of moral motivation in the narrower sense;

they transcend and at times even transgress strictly enforceable rules under the perspective of an extended practical humanity. In particular, the noble idea and practice of forgiveness or condonation is well-nigh the climax of humanitarianism and genuine humaneness. For instance, regarding practical humanity there is a widely known paragon example as exercised, e.g., by the Good Samaritan of the bible. Practical humanity is definitely not pharisaical. We find parallel examples in the Koran, in Buddhism and—as outlined above - in Confucianism as well, in particular in MengZi.

Practical humanity highlights not only adequate and person-oriented ways of coining, instilling and transmitting attitudes and valuations, assessments etc., but leaves also open a free realm of formally guaranteed liberty to develop and cultivate oneself—an essential idea in KongZi as well as in MengZi. It concentrates on a comprehensive view of persons as against segmentalisation and division into roles and partial functions. Concrete humanity and substantial tolerance are in that sense person-oriented and holistic although always in a practical setting. They also exercise justice as fairness after Rawls and a certain kind of fair behaviour in everyday life. Practical humanity would emphasize co-humaneness in groups, in all wakes of valuations, feelings and aspirations as well as in day to day life: It stresses co-humaneness—like *ren/jen* which explicitly included the *social* component - not only as a way of knowledge, but also philanthropy as characterizing empathetic, communicating, sympathetic, and feeling, compassionate beings. Personal responsibility with respect to partners in extant social and day-to-day situations as well with regard to social systems and ecosystems are new aspects of the humane handling of the environmental and social challenges. (Even the practically humane treatment of non-human creatures is part and parcel of practical humanity thus understood; this is, as was emphasized, stressed by Schweitzer—even more pointedly than by MengZi.)

What may a rather modern list of traits of concrete humanity consist of? (See table 1.)

Table 1**Concrete humanity / Practical humaneness**

1. Always to respect the human dimension. Self-imposed (“wise”) moderation.
2. Take into account conditions and restrictions in practical situations but also from a logical perspective (consistency).
3. Not to split up humans in segments or just partial roles or functions but to treat the other person from a holistic point of view.
4. Argue as far as possible fair to the individual and the personal including attitudes, valuations, assessments.
5. Leave open space to others for actions, opinions and decisions; exercise and grant tolerance.
6. Cultivate this liberty also for yourself.
7. Justice as fairness (Rawls): Being fair in daily life—not only in sports.
8. Respect humanity and exercise humaneness in, by and in front of groups.
9. Grant and realize charity to the needy ones in your realm of responsibilities, encounters and scope of actions & decisions.
10. Adopt personal responsibility in your own practical realm of action.
11. Forgiveness and condoning are a true climax of humaneness.
12. Take all of us humans as empathetic, compassionate and communicative beings.
13. (Act and contribute to) an environment worth living and with a respectable quality of life for humans.
14. Exercise a human (e) treatment also towards other creatures, e.g. domesticated animals and primates.
15. Reverence for the extant existing life and will to live (after Albert Schweitzer)
16. Including self-respect and responsibility for your own person
17. And human self-cultivation in the form of esthetic refinement of taste, personal experience and forming of your own values (including a really human (e) and partner-oriented erotic life).

In the age of encompassing globalization, indeed situation-dependency and action orientation as well as responsibilities have drastically changed: In terms of the world-wide communication interplay and economic interdependency most of the suffering people who were traditionally speaking deemed as very remote from us are now our „functional neighbours“ depending on help from the privileged parts of the world as regards survival chances (food, medical care, etc.) and a minimum of well-being. Even if the problems of famine, undersupply in food and healthcare could not at present easily be solved by political, legal or economic measures, the situation

sets new ethical responsibilities and certainly *redefines* the concepts of “dependence” (functional) “neighbourhood” and “concreteness” or even “situation-orientation” in terms of interdependencies and worldwide interactions: If not (only) from a legalistic perspective, we certainly need a new way and extension of applied ethical approaches highlighting the new worldwide functional adjacency, interdependencies and interactions. We need a new understanding of humanitarianism as such concrete humanity in terms of the enlarged situation-dependence by using new concepts of the “concreteness” of social “situations”, interactions, interdependence etc. in an functionality-based sense. Ethically speaking, this drastically changed situation on our finite planet Earth with its limited resources and the extant overpopulation and undersupply as well as distribution problems would really “call for a revolution in our ethical thinking” (R. Bernasconi) and in our ethical and humanitarian practice.

Certainly, the idea of a general practical humanity or co-humaneness (practical human solidarity) implies and involves also aspects of a formal *and* substantial tolerance and fairness if we deal with opinions, rules, communication and conflict regulation. Therefore, it contains subordinate ideas and procedural norms and rules for social communication, action systems and strategic situations (in particular rules for procedures of conflict regulation abiding by some ideas of basic fairness and tolerance). ¹¹

¹¹ The motto “In dubio pro humanitate concreta” may be extended to the slogan “In dubio pro humanitate concreta atque tolerantia practica.” Practical humanity or co-humaneness and tolerance are concepts and norms or values mutually depending on one another. This is especially true of horizontal tolerance and humanistic (individual-oriented) tolerance, but has also large implications for procedural, legal and public strategies of the constitutional state. Tolerance as a moral ideal is a pervading, rather functional (mainly, but not only procedural) way of respect for differing or even opposing opinions and for regulating conflicts in a pluralistic society on the intellectual level according to the principles of fairness and procedural reason under the auspices of basic egalitarian conceptions of humankind bestowing equal worth on any human being whatsoever. Tolerance is part of the essentially humanitarian tradition of the human rights movement and of human morals tradition which is, e. g., highlighted by the Declaration of Principles on Tolerance of the unesco as of 1995. Tolerance has to be spelled out according to the above-mentioned types and functional differentiations to render more substantial and effective some rather formal insights into different specific

We can, by the way, trace a specifically educational road from the legal conception of legal human rights towards an ethical interpretation of human dignity claims and a proposal for a human right of creativity and creative activity which seems to be basically Confucian and Mencian in its idea, its contents as well as in its mental and conceptual character and motivation.

Literally speaking, the tradition of human rights discussions and conceptions as well as declarations—including the *Universal Declaration of Human Rights* as of 1948—would construct human rights as legal *protection rights against* encroachments by the state or ruler, i.e. human rights were conceived of as prevention rights for the protection of individuals. They reinforced rights and legitimate moral claims of the individual from bottom up as against the state and other holders of power in a legally codified version. However, starting at least some decades ago the protective or preventive human rights have been widened, so to speak, to include positive self-determinative and participatory rights for the individual's legitimate opportunity to design its own lifestyle as well as self-determination (including in recent jurisdiction informational self-determination as, e.g., by the ruling of the German Constitutional Court). Also participatory rights to take part in the guaranteeing of life-securing maintenance, sustenance and social participation as well as in making possible a life according to human dignity have developed: There is a noticeable progress from the pure interpretation of the human rights as protection rights against the state or ruler towards the rights of active participation in social life and partaking in guaranteed social opportunities etc. (Brieskorn 1997, 17f) as well as towards the inclusion of sometimes so called collective human rights of groups, minorities, etc. guaranteeing them equal treatment. There has been a noticeable and remarkable development from the interpretation of just legally codified protection rights towards *participatory social opportunity rights* and for guaranteed life-improving maintenance (at

sorts of the general humanitarian approach. There is no true humaneness and co-humanity without general legal and moral as well as situation-oriented tolerance. *In dubio pro humanitate concreta sive practica atque tolerantia formale et substantiale!*

least in principle). The latter human rights can be called *social human rights* or *positive beneficiary rights*, as I have stated elsewhere.

To be sure, there is a characteristic extension of the original intuition of negative protective rights (against non-encroachments) towards positive participatory and beneficiary social rights as well as the guaranteeing of opportunities and chances. If this holds true even for the legal interpretations of the codified human rights, it is all the more also true for the ethical interpretation of regarding legitimate moral claims to enjoy the privilege of being treated according to the principles of human dignity. Instead of just speaking of moral human rights, I prefer now (2001) terminologically to speak of legitimate moral or ethical *claims towards human dignity* (“*Menschenwürdeanrechte*” or “*Menschenwürdigkeitsanrechte*”) instead of my earlier (1997) talking about the apparently all too much legally shaped moral “rights” in the a narrower sense¹². I shall not go into the details of these differences and the historical development here.

Instead, I would like to add another moral human quasi-right or an ethically legitimate participatory claim regarding human dignity towards freely chosen, non-alienated creative activity (*eigenactivity*) or for that—to use a creative play of words: “creativity”, i.e. “*Eigentätigkeit*” or “*Eigenleistung*” (see my 1983, 1985-6, 1994, 2001). Like the above-mentioned reflexive programmatic, legally not recoverable human right for a job and a proportional standard of life etc., this would also be proposed as a human right to being educated, to indulge in non-alienated free creative activity (including at times recreation), to enjoy and perform meaningful *eigenactivity*, i.e. productive activity being part and parcel of free self-determination and self-

¹² In fact, the latter development would also include the general legally not recoverable human rights as, e.g., the general collective human right for jobs and other so called “reflexive” “program statements” within the General Declaration as well as in the European Social Charter as of 1961 (II, art. 1) stating just general guarantees, no legally recoverable individual rights or claims. The same is true regarding the human rights for education (ibid. art. 26), participation in cultural life (art. 27); also in the UN Human Rights Convention on Economic, Social and Cultural Rights as of 1966 (III, art. 6).

forming. Volunteering *eigenactivity* and *eigenachievement*¹³ would be considered as a legitimate ethical claim for human dignity and even proposed as a human right of a participatory social provenance (like the “reflexive” right to have or get a job). The state would have to see to it, that the conditions and opportunities for such a creative free activity of one’s own, in short, for *eigenactivity* and authentic proper achieving and creative performing of ones own self have to be fostered, if not guaranteed, at least in the sense of rendering free space for such some activities. This would also include a reorientation and new appreciation as well as an appreciative valuing of volunteering activities in social realms.

A new positive cultivation of freely chosen, personally engaging non-alienating meaningful activities (*eigenachievement* and authentic personal activities and creativeness) should be developed and fostered under these auspices of a human right (or ethical claim) to social and meaningful *eigenactivity* and creative personal actions as well as recreation. This may be well understood as an extension of or in agreement with some of the UN declarations of human rights as of 1948 and 1966.

This special variant of a participatory positive ethical human right is certainly a special interpretation of the very human right towards education and has certainly to be materialized in education. Indeed, education towards abidance by and through such interpretation of human rights is part and parcel of such an extension of an activist positive interpretation of extant human rights and the principles underlying them. And the emphasis of learning the right and duty to educate oneself by active permanent learning by self-activation was already essentially repeated again and again by KongZi (LunYu, *passim*) and MengZi (IVB, 14; VIIB, 5; VIA, 11; VIA, 20).

¹³ KongZi already emphasized (Lun Yu XV, 20) that the noble man would hate the idea to leave the world without having achieved something worth of continuous acknowledgement. He especially time and again in his counselling statements comes back to the necessity, and value of “learning, learning, learning!” (LunYu I, 1+4, I, 14, II, 15, V, 15, V, 28, XV, 31, XIX, 5f) .

Whereas we have first of all to teach human rights in the strict and basic sense of protective and participatory rights—in particular in situational settings taking into account concrete (practical) humanity—we should see to it that the ethical human right or legitimate moral claim to meaningful *eigenactivities* and creative endeavours is to be guaranteed also and should be included in the general scenery of the discussion about human rights and human dignity. Humans are creative and free beings: Not only ideally speaking, but in practical settings education should foster this objective and emphasize the positive activist connotations of the thus extended human rights ideas.

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